

Chapter 5 – Accessibility Requirements

This chapter outlines Section 504 of the Rehabilitation Act. Recipients can not discriminate against an otherwise qualified individual with disabilities, solely by reason of his or her disability, in participating in any program or activity receiving HOME or CDBG funds. This chapter defines the recipient's responsibilities in terms of physical and program accessibility of their HOME or CDBG program.

Recipients must include the accessibility logo on all client related brochures, applications and correspondence. An electronic copy of the logo is available at www.indianahousing.org or by contacting your IHFA Compliance Monitor.



Section 504 of the Rehabilitation Act of 1973

“No ***otherwise*** qualified individual with disabilities, shall, ***solely*** by reason of his or her disability, be excluded from the participation in, or denied the benefits, or be subjected to discrimination under any program or activity receiving Federal financial assistance from HUD.”

Accessibility Requirements

New Construction

5 or more units

Required minimum of 5% of the units or at least one unit accessible for mobility impairments; Minimum of 2% or at least one unit accessible for hearing or vision impairments

15 or more units

Required minimum of 5% of the units or at least one unit accessible for mobility impairments; Minimum of 2% or at least one unit accessible for hearing or vision impairments

Substantial Rehabilitation

5 or more units

Recommended minimum of 5% of the units or at least one unit accessible for mobility impairments; recommended minimum of 2% or at least one unit accessible for hearing or vision impairments

15 or more units

Required minimum of 5% of the units or at least one unit accessible for mobility impairments; Minimum of 2% or at least one unit accessible for hearing or vision impairments

Rehabilitation

5 or more units

Recommended minimum of 5% of the units or at least one unit accessible for mobility impairments; recommended minimum of 2% or at least one unit accessible for hearing or vision impairments

15 or more units

Recommended minimum of 5% of the units or at least one unit accessible for mobility impairments; recommended minimum of 2% or at least one unit accessible for hearing or vision impairments

Physical Accessibility

All new construction housing projects with five or more units or projects involving substantial rehabilitation must be designed and constructed to be readily accessible to and usable by individuals with disabilities.

A minimum of five percent or at least one of the units (whichever is greater), must be accessible for persons with mobility impairments. A unit that is on an accessible route and is adaptable and otherwise in compliance with the Uniform Federal Accessibility Standards (UFAS) is accessible for purposes of this section. An additional two percent of the units (but not less than one unit) in such a project must be accessible for persons with hearing or vision impairments.

Substantial Rehabilitation is defined as having 15 or more units (in a project) and the cost of the rehabilitation is greater than 75% of the replacement cost of the completed facility.

Distribution of accessible dwelling units.

Accessible dwelling units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout projects and sites and shall be available in a sufficient range of sizes and amenities so that a qualified individual with disabilities' choice of living arrangements is, as a whole, comparable to that of other persons eligible for housing assistance under the same program. This provision shall not be construed to require provision of an elevator in any multifamily housing project solely for the purpose of permitting location of accessible units above or below the accessible grade level.

Occupancy of accessible dwelling units.

Recipients with accessible units shall adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities, and shall take reasonable nondiscriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of the particular unit. To this end, when an accessible unit becomes vacant, the owner or manager before offering such units to a non-disabled applicant shall offer such unit:

- (1) First, to a current occupant of another unit of the same project, or comparable projects under common control, having disabilities requiring the accessibility features of the vacant unit and occupying a unit not having such features, or, if no such occupant exists, then
- (2) Second, to an eligible qualified applicant on the waiting list having a disability requiring the accessibility features of the vacant unit.

When offering an accessible unit to an applicant not having disabilities requiring the accessibility features of the unit, the owner or manager may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

Homeownership programs

Recipients are required to ensure that any newly constructed or rehabilitated housing units for purchase i.e. single family (including semi-attached and attached) units receiving Federal financial assistance shall be made accessible upon request of the prospective buyer if the nature of the disability of an expected occupant so requires.

In such cases, the buyer shall consult with the seller or builder/sponsor regarding the specific design features to be provided. If accessibility features selected at the option of the homebuyer are ones covered by the standards prescribed by the Uniform Federal Accessibility Standards, those features shall comply with the standards prescribed in the UFAS. The buyer shall be permitted to depart from particular specifications of these standards in order to accommodate his or her specific disability.

The cost of making a facility accessible under this paragraph may be included in the mortgage amount within the allowable mortgage limits, where applicable. To the extent such costs exceed allowable mortgage limits, they may be passed on to the prospective homebuyer, subject to maximum sales price limitations (see 24 CFR 235.320.)

24 CFR Part 8/Accessibility Standards for Design, Construction, and Alteration

This regulation deals with the Uniform Federal Accessibility Standards (UFAS) for construction. The UFAS outline specific requirements in terms of creating units accessible for people with disabilities. The UFAS contain specs and guidance on access ramps, doorway widths, handles on doors, cabinets, sink heights, etc.

These standards are used in new construction and substantial rehabilitation as defined under Physical Accessibility above.

Copies of UFAS are available through HUD's Publications Office. (800) 767-7468/ HUD's TDD (hearing or speech impaired) number is 202-708-0113. IHFA also has limited copies available for use. Please contact your IHFA Compliance Monitor.

Recipients also need to ensure that the space where clients apply for housing is accessible. IHFA staff will review either the physical offices of the recipient, subrecipient and/or award administrator in order to determine the accessibility of the offices.

Program Accessibility

In addition to physical accessibility, recipients are also required to have accessible programs. Recipients must ensure that people have access to apply for that program.

For example, if an applicant required an application in Braille or in a language other than English, the recipient is required to make that accommodation. Please contact your IHFA Compliance Monitor for technical assistance if you have any questions.

Recipients must have a communication system in place for the hearing and speech impaired. Relay Indiana is a free service that relays calls between a person using a text telephone (TTY/TTD) and users of the general telephone network in Indiana. If the need to use this service arises, recipients should call Relay Indiana at 800-743-3333.